



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

February 25, 2020

The Honorable R.D. James
Assistant Secretary of the Army (Civil Works)
U.S. Department of the Army
108 Army Pentagon
Washington, DC 20310-0108

Dear Mr. James:

I am writing regarding the United States Environmental Protection Agency's (EPA's) deadline of February 28, 2020 to provide notice under Part IV, paragraph 3(b) of the 1992 Memorandum of Agreement to implement Clean Water Act (CWA) Section 404(q) (hereinafter referred to as the "404(q) MOA"), discussed in your letter dated October 24, 2019.

Since that time, I understand that staff from EPA and the United States Army Corps of Engineers Alaska District (Corps) have been meaningfully engaged in discussions regarding some of EPA's comments discussed in its July 1, 2019 CWA Section 404 letter. EPA staff participated in technical meetings with the Corps and other cooperating agencies in November 2019 and January 2020. These meetings were focused on discussing Draft Environmental Impact Statement comments, some of which overlapped with some of the issues raised in EPA's comment letter.

On February 7, 2020, the Corps released a preliminary Final Environmental Impact Statement (PFEIS) to the cooperating agencies for review and comment. Cooperating agencies' comments on the PFEIS are due on March 23, 2020. EPA is reviewing the PFEIS. I understand that staff from EPA and the Corps have agreed to meet to discuss CWA Section 404 issues.

EPA seeks an additional 90-day extension of EPA's February 28, 2020 deadline, until May 28, 2020, to provide notice under paragraph 3(b) of the 404(q) MOA. This additional time will allow EPA to review the PFEIS and continue engaging in discussions with the Corps to better evaluate the extent to which EPA's comments have been addressed before making any decisions regarding whether to proceed in the 404(q) process.

We appreciate your continued efforts to work with EPA on this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matthew Z. Leopold".

Matthew Z. Leopold
General Counsel